

Application No. 10/620,686
Reply to Office Action of May-22-2008

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REMARKS/ARGUMENTS

The Examiner rejected claims 71 and 76 to 85 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner considered that claim 71 was internally inconsistent in reciting R₄ as selected from H and linear or branched alkyl groups while also reciting R₄ as H. The problem is a clerical error, which has been corrected by reciting "R₁, R₂ and R₅" rather than "R₁, R₂ and R₄".

The Examiner considered claims 77, 80 and 84 to 85 to be vague and indefinite, because it was unclear what is a pseudo alpha-amino acid as it refers to the actual molecule. The term "pseudo" has been deleted from claims 77, 80 and 83 to 85. The term also has been deleted from claim 83 for consistency.

Having regard to the revisions made to the claims, it is submitted that all claims comply with 35 USC 112, second paragraph.

The Examiner rejected claims 71 and 76 to 85 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 10 of US Patent No. 6,042,820.

A rejection of obviousness-type double patenting may be overcome by the filing of a Terminal Disclaimer, which may be signed by an attorney or agent of record. Enclosed herewith is a Terminal Disclaimer, disclaiming the term of the patent to be granted on this application beyond the term of US Patent No. 6,042,820, signed by an agent-of-record. Authorization to charge the prescribed fee for recordal to our deposit account is enclosed.

It is submitted that, with the filing and recordal of the Terminal Disclaimer, claims 71 and 76 to 85 are no longer open to rejection on the ground of obviousness-type double patenting as being unpatentable over claims 1 to 10 of US Patent No. 6,042,820.

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The Examiner rejected claim 71 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 8 of US Patent No. 6,228,423.

A rejection of obviousness-type double patenting may be overcome by the filing of a Terminal Disclaimer, which may be signed by an attorney or agent of record. Enclosed herewith is a Terminal Disclaimer, disclaiming the term of the patent to be granted on this application beyond the term of US Patent No. 6,228,423, signed by an agent-of-record. Authorization to charge the prescribed fee for recordal to our deposit account is enclosed.

It is submitted that, with the filing and recordal of the Terminal Disclaimer, claim 71 is no longer open to rejection on the ground of obviousness-type double patenting as being unpatentable over claims 1 and 8 of US Patent No. 6,228,423.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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